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*Attorneys for Federal Defendants*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI‘I

KĀPA‘A, CONSERVATION  
COUNCIL FOR HAWAI‘I, and  
CENTER FOR BIOLOGICAL  
DIVERSITY,

Civil No. 25-00209 MWJS-WRP

STIPULATION RE: FEDERAL  
DEFENDANTS’ CONCISE

Plaintiffs,

vs.

DONALD J. TRUMP, in his official capacity as President of the United States; HOWARD LUTNICK, in his official capacity as Secretary of Commerce of the United States; LAURA GRIMM, in her official capacity as Acting Administrator of the National Oceanic and Atmospheric Administration; EUGENIO PIÑEIRO SOLER, in his official capacity as Assistant Administrator for NOAA Fisheries; and DOUG BURGUM, in his official capacity as Secretary of the Interior of the United States,

Defendants.

STATEMENT OF FACTS AND  
STATEMENT OF ADDITIONAL  
FACTS; ORDER

Date: August 5, 2025

Time: 1:00 PM

Judge: Hon. Micah W.J. Smith

STIPULATION RE: FEDERAL DEFENDANTS' CONCISE STATEMENT OF  
FACTS AND STATEMENT OF ADDITIONAL FACTS

The parties, by and through their undersigned counsel, hereby stipulate that Federal Defendants may amend their concise statement of facts and additional facts for the following reasons:

1. On July 15, 2025, Federal Defendants submitted a response to Plaintiffs' concise statement of facts and statement of additional facts.
2. On July 16, 2025, the parties met and conferred to resolve a potential dispute about the application of the 1,500-word limit for responses to concise

statements.

3. To avoid bringing a dispute before the Court, the parties have agreed for Federal Defendants to amend their response to the concise statement for the sole purpose of ensuring that both the response to Plaintiffs' concise statement and Federal Defendants' additional statement of facts, combined, meet the 1,500-word limit, as calculated in L.R. 7.4(d). Federal Defendants will not make any material changes or additions to their previously filed Response to Plaintiffs' Concise Statement of Facts and Statement of Additional Facts (ECF 24).

4. Federal Defendants will file their amended response to Plaintiffs' concise statement and statement of additional facts ("Amended Response") promptly upon grant of this request.

5. Federal Defendants have not shared their Amended Response, so Plaintiffs have not had any opportunity to review it. Plaintiffs reserve the right to object to any material changes or additions to Federal Defendants' previously filed Response to Plaintiffs' Concise Statement of Facts and Statement of Additional Facts (ECF 24).

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6. The parties therefore request that the Court allow Federal Defendants to file their Amended Response.

Dated: July 17, 2025

ADAM R.F. GUSTAFSON  
Acting Assistant Attorney General  
United States Department of Justice  
Environment & Natural Resources  
Division

*/s/ David L. Henkin*

*/s/ Sara M. Warren*

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DAVID L. HENKIN  
Earthjustice

*Attorney for Plaintiffs*

By \_\_\_\_\_  
SARA M. WARREN  
Trial Attorney  
Wildlife & Marine Resources  
Section  
*Attorneys for Federal Defendants*

APPROVED AND SO ORDERED.

DATED: July 17, 2025, at Honolulu, Hawai‘i.



*/s/ Micah W.J. Smith*

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Micah W.J. Smith  
United States District Judge

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*Kāpa‘a, et al. v. Donald J. Trump, et al.*; Civil No. 25-00209 MWJS-WRP;  
STIPULATION RE: FEDERAL DEFENDANTS’ CONCISE STATEMENT OF  
FACTS AND STATEMENT OF ADDITIONAL FACTS; ORDER